



PTO/SB/53 (09-07)

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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) 122995-72252
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) Steven J. Moore		
Patent Number 5,795,209	Date Patent Issued August 18, 1998	
Title of Invention Package Amusement Device and Method		
<p>1. <input type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input checked="" type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p>		
One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".		
The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.		
The assignee(s) owning an undivided interest in said original patent is/are _____, and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) Steven J. Moore		
Signature 	Date May 5, 2010	
Typed or printed name and title of person signing for assignee (if assigned)		

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Moore, Steven	Art Unit:	3725
Serial No.:	09/638,012 (Filing Date August 14, 2000)	Confirmation No.	8813
Original Patent:	5,795,209 (Issued August 18, 1998)		
Filing Date:	August 14, 2000	Examiner:	Miller, Bena B.
Title:	Package Amusement Device and Method	Docket No.:	122995-72252

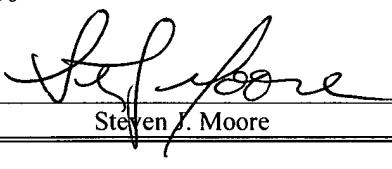
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

on:

Date: May 5, 2010



Steven J. Moore
**SUPPLEMENTAL DECLARATION FOR REISSUE PATENT
APPLICATION TO CORRECT "ERRORS" STATEMENT (37 C.F.R. 1.175)**

I, Steven J. Moore, citizen of the United States, declares that:

1. I presently reside at:

17 Cobblestone Lane, Newtown, Ct 06470 (Tel. 203-240-2540)

and formerly resided at 58 Butterfield Road, Newtown, CT 06470, and 9 Sonoma Road, Cortlandt Manor, NY 105666.

2. I believe that I am the original, first and only inventor of the subject matter described and claimed in U.S. Letters Patent No. 5,795,209 granted on August 18, 1998 and for which a reissue patent is sought on the invention entitled "PACKAGE AMUSEMENT DEVICE AND METHOD," the specification of which was attached to the original Reissue Declaration dated August 8, 2000, Reissue Application Serial No. 09/638,012 as amended as shown on Public Pair specifically via amendments of March 8, 2004, October 4, 2004, December 29, 2008, February 4, 2009 and November 25, 2009. Ownership of the patent and reissue application is in the inventor and no assignee exists for the original U.S. Letters Patent nor for the reissue application.

3. I do not know, and do not believe, that the invention was ever known or used in the United States before my invention thereof.

4. I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment made in the reissue proceedings, and specifically the amendments referenced above.

5. No reissue of the application has been sought prior to this application.

6. I acknowledge my duty to disclose information which is material to the examination of this application with respect of patentability in accordance with section 1.56 of Title 37, Code of Federal Regulations, and specifically 1.56(a) of Title 37 as stated in the original reissue patent application declaration at paragraph 6.

7. When filing the original reissue patent application declaration I verily believed, and I continue to believe, that the original patent to be wholly or partly inoperative or invalid, by reason of the patent claiming less or more, and particularly less, than I had the right to claim in the patent. As noted in the original reissue patent application declaration, the claims of U.S. Patent No. 5,795,209 recite “means” language – claim 1: packaging *means*, detection *means*, microprocessor *means*, and signal generating *means*; claim 4: detection *means*, microprocessor *means*, and signal generating *means*; claim 5: detection *means*. The term “means” was intended to be generic. Due to pronouncements of the Federal Circuit it was recognized that an error had occurred in using the word “means” as it could be read to invoke 35 U.S.C. 112 ¶6 which the Federal Circuit found to narrowly define the element. Thus the term “means” in the claims may unreasonably limit the scope of the claims to less than the invention disclosed in the specification, as such invention would be understood by one of ordinary skill in

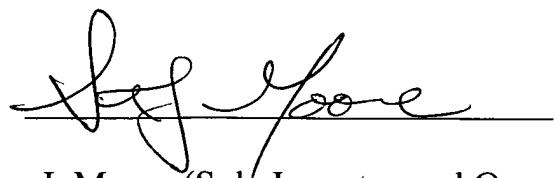
the art. This may have caused the patentee to have claimed less than the patentee had a right to claim. Therefore, the patentee added new claims to more clearly reach the breadth of the invention, and to this extent, the claims were believed to be broadened. For example, claims 15 and 21 recite a package rather than a packaging means, a detector rather than a detection means, a signal generator rather than a signal generating means, and a microprocessor rather than a microprocessor means.

8. The error noted above, and every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant. The errors which render the patent wholly or partly inoperative or invalid arose from inadvertence, accident or mistake, and without any fraudulent or deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the

validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

Date: May 5, 2010

A handwritten signature in black ink, appearing to read "Steven J. Moore", is written over a horizontal line.

Steven J. Moore (Sole Inventor and Owner)